

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Luis Alberto AGUILAR-OCANA

Case: 2:24-mj-30486

Assigned To : Unassigned

Assign. Date : 11/12/2024

Case No.

Description: RE: LUIS ALBERTO
AGUILAR-OCANA (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2024 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about November 9, 2024, in the Eastern District of Michigan, Luis Alberto AGUILAR-OCANA, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about December 30, 2008, at or near Laredo Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature*

Mark I. Vincent, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: November 12, 2024City and state: Detroit, Michigan*Judge's signature*

David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Mark I. Vincent, declare the following under penalty of perjury:

1. I am a United States Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 14, 2009. Currently, I am assigned to the Marysville Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol agents and records checks of law enforcement databases. I have also reviewed the official immigration file and system automated data relating to Luis Alberto AGUILAR-OCANA, which attests the following:
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.
3. Luis Alberto AGUILAR-OCANA is a forty-five-year-old native and citizen of Mexico, who last re-entered the United States at or near an unknown place, on or about an unknown date, without being admitted, inspected or paroled by an Immigration Officer.
4. On March 09, 2002, AGUILAR-OCANA was encountered by the Rochester Police Department in Michigan and charged with Operating While Intoxicated.
5. On December 05, 2002, AGUILAR-OCANA was convicted in the 52-3 District Court, Michigan, of Operating While Intoxicated. He was ordered to pay a \$775 fine and received 12 months' probation.
6. On July 28, 2003, AGUILAR-OCANA was encountered by the Auburn Hills Police Department in Michigan and charged with Operating While Intoxicated/Impaired-2nd Offense.
7. On August 26, 2005, AGUILAR-OCANA was encountered by the Utica Police Department in Michigan and charged with Open Container in Vehicle, Operating While Intoxicated, License Suspended/Revoked/Denied and Operating While Intoxicated/Impaired-2nd Offense.

8. On September 19, 2005, AGUILAR-OCANA was convicted in the 52-3 District Court, Michigan, of Operating While Intoxicated/Impaired-2nd Offense. He was sentenced to 180 days' confinement.
9. On February 09, 2006, AGUILAR-OCANA was convicted in the 41A District Court, Michigan, of Operating While Intoxicated/Impaired-2nd Offense. He was sentenced to 60 days' confinement and received 24 months' probation.
10. On April 12, 2006, AGUILAR-OCANA was encountered by ICE at the Oakland County Jail in Michigan. AGUILAR-OCANA was served a Notice to Appear and released on his own recognizance, pending a future immigration court date.
11. On September 19, 2006, AGUILAR-OCANA failed to appear for his immigration court date and was ordered removed in absentia by an Immigration Judge in Detroit, Michigan.
12. On December 18, 2008, AGUILAR-OCANA was encountered by United States Border Patrol Agents near Detroit, Michigan. AGUILAR-OCANA was processed for removal based upon the previous order of removal entered by the Immigration Judge in 2006.
13. On December 30, 2008, AGUILAR-OCANA was removed from the United States to Mexico via the Laredo, Texas Port of Entry.
14. On November 09, 2024, AGUILAR-OCANA was encountered by United States Border Patrol Agents near Washington Township, Michigan. AGUILAR-OCANA's prior order of removal was reinstated.
15. Review of the alien file (A# xxx xxx 153) for AGUILAR-OCANA, and queries in U.S. Border Patrol computer databases confirm no record exists of AGUILAR-OCANA obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States following his last removal on December 30, 2008.

16. Based on the above information, I believe there is probable cause to conclude that Luis Alberto AGUILAR-OCANA, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8 U.S.C. § 1326(a).



Mark I. Vincent, Border Patrol Agent
U.S. Department of Homeland Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

November 12, 2024